

**From:** Caroline Ahearn/DC/USEPA/US  
**Sent:** 5/29/2012 2:23:16 PM  
**To:** ahearn.caroline@epa.gov  
**CC:**  
**Subject:** Fw: Markups and Hearings for May 29 to June 1

Hearing on DOJ ENRD The Judiciary Committee will hold a hearing on "The Department of Justice – Civil, Environment and Natural Resources, and Tax Divisions." Witnesses TBA. Subcommittee on Courts, Commercial and Administrative Law 12:00 PM, 2141 Rayburn.

Hearing on Administration's energy policy: hydraulic fracturing The House Oversight and Government Reform Committee's second hearing is titled "Rhetoric vs. Reality, Part II: Assessing the Impact of New Federal Red Tape on Hydraulic Fracturing and A

**Notes:**

Nancy won't discuss OECA stuff but the draft diesel guidance is the focus. PA Dept. Krancer on the first panel. Will get into Dimock and Pavillion per staff. Nancy Stoner is testifying and OW is developing Qs and As. Qs about study, peer review process transparency.

----- Forwarded by Caroline Ahearn/DC/USEPA/US on 05/29/2012 02:18 PM -----

**From:** Caroline Ahearn/DC/USEPA/US  
**To:** Declan Hayes/DC/USEPA/US@EPA, Reiniero Rivera/DC/USEPA/US@EPA  
**Date:** 05/29/2012 02:05 PM  
**Subject:** Fw: Markups and Hearings for May 29 to June 1

Thanks Declan

----- Forwarded by Caroline Ahearn/DC/USEPA/US on 05/29/2012 02:05 PM -----

**From:** Declan Hayes/DC/USEPA/US  
**To:** Caroline Ahearn/DC/USEPA/US@EPA  
**Cc:** hayes.declan@epa.gov, "Rivera, Reiniero" <reiniero.rivera@mail.house.gov>  
**Date:** 05/29/2012 01:06 PM  
**Subject:** Re: Fw: Markups and Hearings for May 29 to June 1

The committee websites have only provided for notice of hearing information. Witness lists, chair statements, and general hearing documentation have not yet been made public. The only trade press reporting that has been offered on either of these hearings was a brief statement from Politico this morning. On the Oversight & Gov Reform hydraulic fracturing hearing, Politico reported to expect the majority "to argue that too many federal agencies -including EPA, Interior, and DOE- are looking in to the natural gas process."

The House returns from recess tomorrow. I will continue to check for updates.

-----Caroline Ahearn/DC/USEPA/US wrote: -----

**To:** hayes.declan@epa.gov  
**From:** Caroline Ahearn/DC/USEPA/US  
**Date:** 05/29/2012 11:47AM  
**Cc:** "Rivera, Reiniero" <reiniero.rivera@mail.house.gov>  
**Subject:** Fw: Markups and Hearings for May 29 to June 1

Can you get more info on the scope of the hearings below?

Hearing on DOJ ENRD The Judiciary Committee will hold a hearing on "The Department of Justice – Civil, Environment and Natural Resources, and Tax Divisions." Witnesses TBA. Subcommittee on Courts, Commercial and Administrative Law 12:00 PM, 2141 Rayburn.

Hearing on Administration's energy policy: hydraulic fracturing The House Oversight and Government Reform Committee's second hearing is titled "Rhetoric vs. Reality, Part II: Assessing the Impact of New Federal Red Tape on Hydraulic Fracturing and American Energy Independence." Witnesses TBA. Oversight and Government Reform 1:30 PM, 2154 Rayburn.

----- Forwarded by Caroline Ahearn/DC/USEPA/US on 05/29/2012 11:46 AM -----

From: Declan Hayes/DC/USEPA/US

To: Declan <hayes.declan@epa.gov>

Cc: Amir Ingram/DC/USEPA/US@EPA, Caroline Ahearn/DC/USEPA/US@EPA, Caroline Previ/DC/USEPA/US@EPA, Cliff Rader/DC/USEPA/US@EPA, David Bloomgren/DC/USEPA/US@EPA, Erin Miles/DC/USEPA/US@EPA, Declan <hayes.declan@epa.gov>, Lauren Kabler/DC/USEPA/US@EPA, Marion Herz/DC/USEPA/US@EPA, OECA-OAP-PLCD, Peter Rosenberg/DC/USEPA/US@EPA, Tom Seaton/DC/USEPA/US@EPA, William Frank/DC/USEPA/US@EPA

Date: 05/29/2012 11:00 AM

Subject: Markups and Hearings for May 29 to June 1

## **Tuesday, May 29**

House and Senate conferees continue to meet to reconcile differences in the two versions of the surface transportation bill. The final bill could impact RCRA coal ash, NEPA Keystone XL pipeline, CWA penalties from the RESTORE the Gulf Act, and LUST trust funds. Key conferees have stated that they expect a compromise to be reached and a final bill to be agreed upon before June 30. Few details have emerged but reports have suggested that the coal ash legislation has a higher likelihood of inclusion than does approval of the Keystone pipeline. The coal ash legislation would prevent EPA from regulating coal ash from power plants as a hazardous waste under RCRA and would transfer regulatory authority to the states. For more on the coal ash question: <http://bit.ly/JyTC9q>

## **Wednesday, May 30**

Hearing on the FY13 energy and water appropriations bill The full House Rules Committee will examine H.R. 5325. The legislation provides the annual funding for the various agencies and programs, mostly under the Department of Energy, and it totals over \$32B. An amendment by Rep. Rehberg (R-MT-at large) was adopted to this bill. The amendment prohibits funding for the Army Corps to develop or implement new guidance to expand the scope of federal jurisdiction under the Clean Water Act. For bill and more: [bit.ly/Lvsln5](http://bit.ly/Lvsln5) House Rules Committee 5:00 PM in H-313 The Capitol.

## **Thursday, May 31**

Hearing on Administration's energy policy The House Oversight and Government Reform Committee will hold two hearings Thursday. The first is titled "Rhetoric vs. Reality: Does President Obama Really Support an "All-of-the-Above" Energy Strategy?" Witnesses TBA. Oversight and Government Reform 9:30 AM, 2154 Rayburn.

Hearing on DOJ ENRD The Judiciary Committee will hold a hearing on "The Department of Justice – Civil, Environment and Natural Resources, and Tax Divisions." Witnesses TBA. Subcommittee on Courts, Commercial and Administrative Law 12:00 PM, 2141 Rayburn.

Hearing on Administration's energy policy: hydraulic fracturing The House Oversight and Government Reform Committee's second hearing is titled "Rhetoric vs. Reality, Part II: Assessing the Impact of New Federal Red Tape on Hydraulic Fracturing and American Energy Independence." Witnesses TBA. Oversight and Government Reform 1:30 PM, 2154 Rayburn.

**Friday, June 1**

Hearing on permitting for the Spruce coal mine EPA Administrator Lisa Jackson was invited to testify before an oversight hearing of the Energy & Mineral Resources Subcommittee entitled, "Obama Administration's Actions Against the Spruce Coal Mine: Canceled Permits, Lawsuits and Lost Jobs". On May 16, DOJ attorneys, on behalf of EPA, requested a stay of a federal court ruling that struck down the agency's retroactive veto of a dredge-and-fill permit for a mountaintop coal mine (*Mingo Logan Coal Co. v. EPA*). They argued that a stay should be issued because there was a strong likelihood of irreparable environmental harm otherwise, while mine operator Mingo Logan Coal Co. faced little, if any, harm from a stay. The U.S. District Court for the District of Columbia ruled March 23 that EPA had no authority to veto a Clean Water Act § 404 dredge-and-fill permit after the U.S. Army Corps of Engineers had issued the permit for the Spruce No. 1 mine in West Virginia. For more: [bit.ly/L002OV](http://bit.ly/L002OV) **Invited witnesses:** Lieutenant General Thomas P. Bostick, Commanding General and Chief of Engineers, U.S. Army Corps of Engineers; Lisa P. Jackson, EPA Administrator; and Joseph Pizarchik, Director, Office of Surface Mining Reclamation and Enforcement. Natural Resources 10:00 AM, 1324 Longworth.

\*Schedule subject to change. If you plan to submit comments, please alert the recipients of this email by stating such via a 'reply-all' email.

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